THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.7935 OF 2006

ORAL ORDER:

This Writ Petition is filed seeking a declaration that the proceedings of the 4th respondent dated 8.03.2006 directing recovery of an amount of Rs.13,399/- under Section 14-B of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (for short "the Act") and also by a separate proceeding of the even date passed under Section 7 Q of the Act, imposing damages of Rs.90,993/-, as arbitrary and illegal.

Though the learned counsel for the petitioner raised various contentions, the learned Standing Counsel appearing for the respondents at the outset raised an objection as to the maintainability of the writ petition, contending that against the impugned orders an alternative remedy of appeal is available under Section 7-I of the Act. I find force in the said submission of the learned Standing Counsel for the respondents. Since an efficacious alternative remedy of appeal is available under the statute, the petitioner cannot maintain the writ petition without exhausting the said alternative remedy.

Accordingly, the writ petition is disposed of granting leave and liberty to the petitioner to prefer an appeal against the impugned orders within a period of four weeks from the date of receipt of a copy of this order. It is further ordered that the operation of the impugned proceedings shall remain stayed, pending such appeal, subject to the condition that the petitioner deposits half of the amounts demanded under the impugned proceedings, within a period of six weeks from today.

The Writ Petition is accordingly, disposed of. No costs.

_____

(G. ROHINI, J.)

20th April, 2006.

Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.7935 OF 2006

20th April, 2006.

Between:

The Andhra Pradesh Power

Generation Corporation Limited,

Superintending Engineer, Electricity,

Mini Hydel Stations Circle, Pochampad,

represented by its Law Officer,

S. Ashok Kumar. .. Petitioner.

And

The Chairman,

Central Board of Trustees,

Employees Provident Fund Organization,

Bhavishya Nidhi Bhawan,

(Ministry of Labour, Government of India),

14, Bhikaji Cama Place, New Delhi.

and four others. .. Respondents.